

AMENDED IN ASSEMBLY MAY 17, 2000

AMENDED IN ASSEMBLY MAY 3, 2000

AMENDED IN ASSEMBLY APRIL 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1969

Introduced by Assembly Member Steinberg
(Coauthor: Senator Perata)

February 18, 2000

An act to add Sections 4044.5 and 5908.5 to the Welfare and Institutions Code, relating to mental health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1969, as amended, Steinberg. Mental health: housing.

Existing law requires the State Department of Mental Health, to the extent resources are available, to provide program development guidelines, evaluation models, and operational assistance on all aspects of services to mentally ill persons, including housing development.

Existing law authorizes, until January 1, 2001, counties to voluntarily participate in a pilot project for the operation of a shared mental health rehabilitation center to provide community care and treatment for persons with mental disorders who are placed in a state hospital or another health facility. Existing law requires the State Department of Mental Health to establish standards for the pilot project.

Existing law provides for the regulation of health facilities, including skilled nursing facilities, by the State Department of Health Services. Existing law requires that the regulations adopted by the department prescribe standards based on the type of health facility and the needs of the persons served. In this regard, the regulations set forth the requirements for a skilled nursing facility to provide special treatment programs to serve certain mentally ill patients.

This bill would require the State Department of Mental Health, in conjunction with the State Department of Health Services (1) to establish a long-term care mental health working group to develop a specific plan for the development of certain long-term care facilities that are able to provide diagnosis, treatment, and care of persons with mental diseases and (2) to develop a state-level plan for a ~~single~~ *streamlined and consolidated* evaluation and monitoring program ~~under one regulating authority~~ for the review of mental health rehabilitation centers and skilled nursing facilities with special treatment programs.

The bill would require the long-term care mental health working group to provide a report with recommendations to the Legislature on or before January 1, 2002.

The bill would require the State Department of Mental Health to forward copies of any citations issued *by the State Department of Health Services* to a skilled nursing facility that has a special treatment program or to a mental health rehabilitation center, to the county in which the skilled nursing facility or mental health rehabilitation center is located.

Existing law sets forth procedures under which mental health services in skilled nursing facilities designated as institutions for mental disease are organized and financed.

This bill would require counties that contract for services from institutions for mental disease to establish a designated clinical quality support program, to the extent funds are made available from the state.

The bill would appropriate an unspecified sum from the General Fund to the State Department of Mental Health to be allocated to county departments of mental health based on

the total number of clients placed in institutions for mental disease by each county.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as
2 follows:

3 (a) There is a nexus between homelessness among the
4 seriously mentally ill and adequate and affordable
5 housing.

6 (b) Twenty-four-hour housing for the seriously
7 mentally ill is a continuum that includes the following
8 alternatives:

9 (1) State hospital.

10 (2) Institute for mental disease.

11 (3) Mental health rehabilitation centers.

12 (4) Board and care.

13 (5) Supported living.

14 (6) Independent living.

15 (c) The monitoring of living situations for the seriously
16 mentally ill needs to include more than monitoring
17 “bricks and mortar,” square footage requirements, or
18 local zoning regulations.

19 SEC. 2. Section 4044.5 is added to the Welfare and
20 Institutions Code, to read:

21 4044.5. (a) (1) The State Department of Mental
22 Health, in conjunction with the State Department of
23 Health Services, shall establish a long-term care mental
24 health working group that includes representatives of
25 county mental health programs, consumers, family
26 members of residents with mental disease who are in
27 long-term care facilities, and long-term care providers.

28 (2) The long-term care mental health working group
29 shall develop a specific plan for the development of
30 long-term care facilities that are able to provide diagnosis,
31 treatment, and care of persons with mental diseases, that
32 are community-based, and serve no more than 16 persons.
33 The plan shall include consideration of whether a new

1 licensure category is needed and the specific elements of
2 monitoring and evaluation that would be included in the
3 development of a new licensure category. The long-term
4 care mental health working group shall provide a report
5 with recommendations to the Legislature on or before
6 January 1, 2002.

7 (b) The State Department of Mental Health, in
8 conjunction with the State Department of Health
9 Services, shall develop a state-level plan for a ~~single~~
10 *streamlined and consolidated* evaluation and monitoring
11 program ~~under one regulating authority~~ for the review of
12 mental health rehabilitation centers and skilled nursing
13 facilities with special treatment programs. *The plan shall*
14 *provide for consolidated reviews, reports, and penalties*
15 *for these facilities.* The plan shall include the cost of, and
16 a timeline for, implementing the plan. The plan shall be
17 developed in consultation with the long-term care mental
18 health working group established pursuant to subdivision
19 (a). The plan shall review resident safety and quality
20 programming, ensure that long-term care facilities
21 engaged primarily in the diagnosis, treatment, and care
22 of persons with mental diseases are available and
23 appropriately evaluated, and ensure that strong linkages
24 are built to local communities and other treatment
25 resources for residents and their families. The plan shall
26 be submitted to the Legislature on or before March 1,
27 2001.

28 (c) (1) On or before July 1, 2001, the department shall
29 develop a mechanism that allows public access, including
30 Internet access, to ~~information regarding the results of~~
31 ~~the reviews conducted pursuant to subdivision (b) and~~
32 ~~related to any citations issued to a skilled nursing facility~~
33 ~~described in subdivision (a) by the State Department of~~
34 ~~Health Services or the State Department of Social~~
35 ~~Services.~~

36 ~~(d)~~ *updated and accurate information to the general*
37 *public and consumers regarding long-term care facilities*
38 *licensed or certified by the department, including mental*
39 *health rehabilitation centers and programs certified for*

1 a special treatment program. The information shall
2 include all of the following:

3 (A) Facility profiles, with data on services provided,
4 and ownership information. The profile for each facility
5 shall include, but shall not be limited to, all of the
6 following:

7 (i) The name, address, and telephone number of the
8 facility.

9 (ii) The number of units or beds in the facility.

10 (iii) Whether the facility accepts Medicare or
11 Medi-Cal patients.

12 (iv) Whether the facility is a for-profit or not-for-profit
13 provider.

14 (B) Information regarding substantiated complaints,
15 which shall include the plan of correction, if any, and the
16 date of the plan and the status of the plan.

17 (C) Information regarding deficiencies found by the
18 state in regular or complaint-generated reviews, the
19 status of the deficiency, including the facility's plan of
20 correction, and information as to whether an appeal has
21 been filed.

22 (D) Any appeal resolution pertaining to a citation or
23 complaint, which shall be updated on the file in a timely
24 manner.

25 (d) The information shall include links for consumer
26 access to website information maintained by the State
27 Department of Health Services and to ombudsman
28 services maintained by the state for long-term care
29 services.

30 (e) The State Department of Health Services shall
31 forward copies of citations issued to a skilled nursing
32 facility that has a special treatment program certified by
33 the State Department of ~~Health Services~~ Mental Health
34 to the State Department of Mental ~~Health~~ and the county
35 in which the facility or program is located.

36 ~~(e) Health.~~

37 (f) The State Department of Mental Health shall
38 forward copies of citations issued by the State
39 Department of Health Services to a skilled nursing
40 facility that has a special treatment program, as described

1 in Section 51335 and Sections 72443 to 72475, inclusive, of
2 Title 22 of the California Code of Regulations, ~~or to the~~
3 *county in which the skilled nursing facility is located. The*
4 *department shall forward copies of deficiencies found by*
5 *the state in reviews of special treatment programs for*
6 *these facilities, the status of the deficiency, and the*
7 *facility's plan of correction, to the county in which the*
8 *facility is located. The department shall forward copies of*
9 *deficiencies found by the state,* issued to a mental health
10 rehabilitation center, as described in Section 5675 of this
11 code and Section 781.00 and following of Title 9 of the
12 California Code of Regulations, to the county in which the
13 ~~skilled nursing facility or~~ mental health rehabilitation
14 center is located.

15 SEC. 3. Section 5908.5 is added to the Welfare and
16 Institutions Code, to read:

17 5908.5. To the extent designated funds are available
18 from the state to do so, counties that contract for services
19 from any institutions for mental disease shall establish a
20 clinical quality support program that includes the
21 following elements:

22 (a) Regular visits by county clinical staff to assess the
23 clinical needs of residents of institutions for mental
24 disease placed by the county.

25 (b) Chart reviews by county clinical staff to ensure
26 that the clinical needs of the residents are met, including,
27 but not limited to, ancillary health care needs.

28 (c) Regular meetings with client case managers to
29 assess service needs and outcomes.

30 (d) Clinical case consultation as needed by staff or
31 consulting clinical staff of the institution for mental
32 disease.

33 SEC. 4. There is hereby appropriated from the
34 General Fund the sum of _____ dollars (\$_____)
35 from the General Fund to the State Department of
36 Mental Health to be allocated to county departments of
37 mental health based on the total number of clients placed
38 in institutions for mental disease by each county.

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